

Exhibit 6C

8/4/2014 Deposition Transcript of B. Stibitz (excerpted)

BROM STIBITZ

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

In re) Chapter 9
CITY OF DETROIT, MICHIGAN,) Case No. 13-53846
Debtor.) Hon. Steven W. Rhodes

The Videotaped Deposition of BROM STIBITZ,
a 30(b)(6) witness,
Taken at 215 South Washington Square, Suite 200,
Lansing, Michigan,
Commencing at 12:59 p.m.,
Monday, August 4, 2014,
Before Rebecca L. Russo, CSR-2759, RMR, CRR.

1 BROM STIBITZ
 2 without City authorization?
 3 A. No.
 4 Q. And what about the NHL arena? At this time is that
 5 set to go forward?
 6 A. My understanding is yes.
 7 Q. Is it your understanding that the State has allocated
 8 funds and put those aside already for the NHL arena?
 9 A. I don't know.
 10 Q. Do you know whether the City, City leaders have
 11 accepted the proposal at this time for the NHL arena?
 12 A. I don't know.
 13 MS. NELSON: We can get those answers if
 14 you want them, within five minutes.
 15 MR. MCCARTHY: Why don't we do that at the
 16 next break, if it's a good time.
 17 MS. RUTNER: Yeah, we'll talk about it at
 18 the next break, actually, yeah.
 19 BY MS. RUTNER:
 20 Q. Now, putting aside the State proposal, proposals for
 21 these projects, did the State ever consider providing
 22 the City with any loans?
 23 A. Not that I'm aware of.
 24 Q. So in the days leading up to the bankruptcy, you're
 25 not aware of any considerations or discussions at the

1 BROM STIBITZ
 2 State with respect to providing the City with a loan?
 3 A. Not that I recall.
 4 Q. Do you know of anybody at the State who might know
 5 about that?
 6 A. No.
 7 Q. Okay, if you could turn back to -- I apologize.
 8 All right, if you could turn back to the
 9 subpoena, which is Exhibit 1, let's take a look at
 10 topic five, which is on the bottom of page 6.
 11 What did you do to prepare to testify for
 12 this topic?
 13 A. I reviewed the, the State Contribution Agreement, and
 14 I reviewed their responses to the interrogatories from
 15 the public safety unions. I reviewed the legislation
 16 associated with the State contribution.
 17 Q. Do you have any personal knowledge as to the issues in
 18 topic five outside of what you did to prepare for the
 19 deposition?
 20 A. No.
 21 Q. Okay, let's walk through any communications among
 22 State officials regarding potential claims that could
 23 be brought against the State by the pensioners.
 24 Have there been any discussions among State
 25 officials regarding potential, potential claims

1 BROM STIBITZ
 2 brought against the State by the pensioners?
 3 MS. NELSON: Well, I'm going to object,
 4 first of all, because those discussions are
 5 principally attorney-client privilege, and the State's
 6 discussions and its answers are set forth in the
 7 interrogatory responses to the public safety union's
 8 interrogatories.
 9 BY MS. RUTNER:
 10 Q. Outside of discussions with your -- with attorneys
 11 present, do you know of any discussions amongst State
 12 officials regarding potential claims brought against
 13 the State by the pensioners?
 14 A. No.
 15 Q. Outside of communications with counsel, what is the
 16 State's understanding of the basis for any potential
 17 liability for claims brought against it by the
 18 pensioners, in other words, the arguments --
 19 MR. MORRIS: Objection, form.
 20 BY MS. RUTNER:
 21 Q. -- you are raising?
 22 A. I'm sorry, could you restate the question?
 23 Q. Sure. Outside of any communications with counsel,
 24 what is the State's understanding as to the basis of
 25 any potential liability for claims brought against the

1 BROM STIBITZ
 2 State by the pensioners?
 3 MS. NELSON: Well, I'm going to object --
 4 MR. MORRIS: Objection.
 5 MS. NELSON: I'm going to object as to form
 6 and foundation, because he's already indicated there
 7 were no discussions amongst State officials outside of
 8 their counsel regarding potential claims, in answer to
 9 your last question.
 10 BY MS. RUTNER:
 11 Q. So as you sit here today, are you aware, are you aware
 12 of any -- of what the State's understanding is outside
 13 of any communications with counsel as to the basis of
 14 any potential liability for claims brought against it
 15 by the pensioners?
 16 MR. MORRIS: Object to form.
 17 A. The State's position is that there are no claims.
 18 BY MS. RUTNER:
 19 Q. But what I'm asking about is, what is the State's
 20 understanding of the arguments that the pensioners are
 21 raising against the State?
 22 MR. MORRIS: Object to form.
 23 MS. RUTNER:
 24 Q. Or the basis for liability?
 25 MS. NELSON: By who?

1 BROM STIBITZ
 2 MR. MORRIS: Object to form.
 3 MS. RUTNER: The basis for liability by the
 4 pensioners -- excuse me, by the, the basis for
 5 liability that the pensioners are, are asserting
 6 against the State.
 7 MR. MORRIS: Object to form.
 8 MS. NELSON: Well, number one, that goes to
 9 the confidentiality of the mediation agreement, and I
 10 would have to instruct him not to answer on that
 11 ground, and two, it's attorney-client privilege.
 12 MS. RUTNER: So are you instructing him not
 13 to answer?
 14 MS. NELSON: Yes.
 15 BY MS. RUTNER:
 16 Q. And are you going to follow that instruction?
 17 A. Yes.
 18 Q. Has the State's position ever changed with respect to
 19 its concern about its potential liability for claims
 20 raised by the pensioners?
 21 MS. NELSON: Objection --
 22 MR. MORRIS: Object to form.
 23 MS. NELSON: Objection, it invades the
 24 confidentiality of the mediation process, and I
 25 instruct him not to answer.

1 BROM STIBITZ
 2 MS. RUTNER: I'm referring to prior to the
 3 mediation.
 4 BY MS. RUTNER:
 5 Q. Was there ever a time in which, or has there ever been
 6 a time in which the State's position was one thing
 7 with respect to what they felt -- or with respect to
 8 their concerns about the pensioners' potential claims
 9 against the State and then that position changed?
 10 MR. MORRIS: Object to form.
 11 MS. NELSON: Well, again, the second
 12 portion of your question I object to, because it
 13 invades the confidentiality of the mediation
 14 process --
 15 MS. RUTNER: I'm only referring to --
 16 MS. NELSON: -- which is a give and take.
 17 MS. RUTNER: -- I'm only referring to
 18 conversations or -- conversations or discussions or
 19 communications or anything prior to August 13th, 2013.
 20 MR. MORRIS: Same objection.
 21 A. Not to my knowledge.
 22 MS. RUTNER: I'm marking as Exhibit 10 --
 23 is that what we're up to? Sorry, I apologize,
 24 Exhibit 7. I'm marking as Exhibit 7 the State's
 25 answers to the public safety union's interrogatories.

1 BROM STIBITZ
 2 MARKED FOR IDENTIFICATION:
 3 DEPOSITION EXHIBIT 7
 4 3:00 p.m.
 5 BY MS. RUTNER:
 6 Q. If you see the first answer, have you reviewed this
 7 response?
 8 A. Yes.
 9 Q. And are you familiar with the contents of it?
 10 A. Yes.
 11 Q. Do you know who at the State was involved in making
 12 the decision that, and I'm quoting from the
 13 interrogatory response: There are no valid claims
 14 that can be or have been asserted against the State,
 15 the State entities, or the State-related entities by
 16 any person?
 17 A. No.
 18 Q. Do you know if the State conducted any sort of
 19 analysis about the reliability specifically in
 20 response to this interrogatory, or was it a -- or was
 21 this response made based on an analysis that predated
 22 the interrogatory?
 23 A. I don't know.
 24 Q. I want to understand, and this is outside of any
 25 communications with your attorney, what exactly is the

1 BROM STIBITZ
 2 basis for the State's position that there are no valid
 3 claims that can be asserted against it by the
 4 pensioners?
 5 What's the State's position -- why does the
 6 State feel that the claims raised by the pensioners
 7 are invalid?
 8 MS. NELSON: Well, I'm going to object
 9 because that encompasses the attorney-client
 10 privileged communications that related specifically to
 11 the pensioners' claims and the formulation of response
 12 to this interrogatory.
 13 MS. RUTNER: So are you instructing your
 14 witness not to answer?
 15 MS. NELSON: Yes.
 16 BY MS. RUTNER:
 17 Q. And you're going to follow that instruction?
 18 A. Yes.
 19 Q. Okay, putting aside the State's position as to the
 20 validity of any claims brought against it by the
 21 pensioners, I want to discuss any concerns the State
 22 may have had about, about the lawsuit, with respect to
 23 the cost of litigating the lawsuit, the time it might
 24 take, the bad press it might bring.
 25 Were there ever discussions that you know